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DAVID G. MANDELBAUM

DIRECT DIAL 215 636-4675

August 27, 1987

FEDERAL EXPRESS

Ms. Ruth Mancos  
United States Environmental  
Protection Agency  
Region V  
CERCLA Enforcement Section (5HE-12)  
230 South Dearborn Street  
Chicago, IL 60604

Re: Sanitary Landfill Company (IWD) Site  
1855 Cardington Road, Montgomery County,  
Moraine, Ohio--Response of P.H. Glatfelter  
Company to Request for Information

Dear Ms. Mancos:

This firm represents P.H. Glatfelter Company ("Glatfelter"). On July 31, 1987, Glatfelter received a letter from the United States Environmental Protection Agency ("EPA") over the signature of Basil G. Constantelos. That letter included a request for information pursuant to section 104 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") as amended, 42 U.S.C. § 9604, and pursuant to section 3007 of the Resource Conservation and Recovery Act ("RCRA") as amended, 42 U.S.C. § 6927. This letter constitutes Glatfelter's response to EPA's request for information pursuant to section 104 of CERCLA as set out on pages 2-4 of Mr. Constantelos' letter. This response has been reviewed by C. Neal Carter, Ph.D., the Technical and Environmental Control Director of Glatfelter. His certification that this response is true and accurate to the best of his knowledge and belief and that the appended documents are true and authentic copies accompanies this response.

EPA's inquiry relates only to wastes generated or transported by Glatfelter and disposed at the Sanitary Landfill Company (IWD) Site on Cardington Road, Moraine, Ohio ("Cardington

approx 617 of  
documents for review  
in Ken Tindallo file

Road Site"). To the extent that Glatfelter generated or transported any such waste, the waste was not a "hazardous waste" within the meaning of RCRA. The West Carrollton Mill generated a paper mill wastewater sludge, and Glatfelter's records provide some indication that a relatively small quantity of this sludge was hauled to the Cardington Road Site, as discussed below. The paper mill wastewater sludge was not a hazardous waste. The West Carrollton Mill also generated fly ash and municipal waste which IWD hauled from the mill. Neither the fly ash, see 40 C.F.R. § 261.4(b)(4) (1986), nor the municipal waste constitutes hazardous waste. Moreover, Glatfelter's records do not include any references to disposal of fly ash or municipal waste at the Cardington Road Site.

Section 3007 of RCRA only authorizes EPA to request information concerning hazardous waste management. Accordingly, section 3007 imposes no obligation upon Glatfelter to provide the following information in response to Mr. Constantelos' letter. Glatfelter's response to EPA's inquiry under CERCLA should not be construed as an admission by Glatfelter that any of the activities described in this response are or were within the scope of Title C of RCRA, or that Glatfelter has any obligation to provide this information pursuant to RCRA.

#### Introductory Discussion

Between September 1972 and September 1984, with intermittent shut-downs, the Bergstrom Paper Company ("Bergstrom") or Glatfelter operated a paper mill in West Carrollton, Ohio ("West Carrollton Mill"). Pursuant to an agreement dated June 29, 1972, Bergstrom acquired the mill from Kimberly-Clark Corporation on August 31, 1972. Bergstrom merged into Glatfelter in January 1979. Glatfelter sold the West Carrollton Mill to Appleton Paper Company in 1984.

The West Carrollton Mill produces a paper mill wastewater sludge, some of which may have made its way to the Cardington Road Site on a few occasions and probably did make its way to the Cardington Road Site during a few months in 1979. The material from the West Carrollton Mill was sent to the Cardington Road Site only sporadically, and Glatfelter cannot identify any particular load of sludge known in fact to have gone to the Cardington Road Site. Further, if the paper mill wastewater sludge contained "hazardous substances" within the meaning of CERCLA, it did so only in very low concentrations. The paper mill wastewater sludge did not constitute a hazardous waste within the meaning of RCRA.

On September 1, 1970, Kimberly-Clark entered into a disposal agreement with North Sanitary Landfill Company, Inc., an entity of which B. G. Danis, Jr., was a principal. This agreement provided for disposal of paper mill wastewater sludge at the Hilltop disposal site, not the Cardington Road Site. Bergstrom apparently operated under this September 1, 1970, agreement with North Sanitary Landfill Company for the first few months that Bergstrom owned the West Carrollton Mill. On December 1, 1972, Bergstrom entered into a nearly identical agreement with North Sanitary Landfill Company for disposal of the paper mill wastewater sludge. Again, this agreement specifies disposal at the Hilltop disposal site. On a few occasions towards the end of Hilltop's useful life in 1979, conditions at the Hilltop disposal area may have rendered the site inaccessible. On those occasions, Glatfelter's trucks may have gone to the Cardington Road Site to dispose of sludge. Glatfelter cannot confirm that any particular load was disposed at the Cardington Road Site; while Glatfelter has invoices from North Sanitary Landfill Company specifying disposal at the Hilltop and other sites, it has no similar records reflecting disposal at the Cardington Road Site.

After Hilltop closed, Glatfelter used two principal disposal areas: the Carl Miller Landfill in Middletown, Ohio, and the Pinnacle Road site operated by North Sanitary Landfill, Inc. It is possible that during the transition period, some waste may have been sent to the Cardington Road Site after Hilltop's closure and before arrangements had been finalized with Carl Miller or Pinnacle Road.

Based upon a search of its records, Glatfelter has concluded that it and its predecessor Bergstrom could have sent relatively little sludge to the Cardington Road Site, and that this sludge contained at most very low concentrations of any hazardous substances, if any. The highest estimate, which Glatfelter believes to be an overestimate, for the amount of material sent to the Cardington Road Site comes from Gary McDowell, a former employee of Glatfelter at the West Carrollton Mill; Mr. McDowell is presently employed by Appleton Paper Company. Radian Corporation prepared a report in 1983 for Glatfelter's prospective environmental impairment liability insurance carrier. To provide factual background for that report, Mr. McDowell prepared an estimate of the volume of paper mill wastewater sludge generated by the West Carrollton Mill and disposed at a number of facilities, including the Cardington Road Site. Mr. McDowell based his estimates of both the volume of sludge sent to each site and the period of time during which each

site was used upon his own recollections and upon his conversations with other employees at the West Carrollton Mill. As reported by Radian Corporation, Mr. McDowell estimated that Glatfelter used the Cardington Road Site in 1979 and 1980 to dispose of 18,000 cubic yards of sludge.

As mentioned above, Glatfelter's records do not support an estimate as high as 18,000 cubic yards of sludge. Indeed, Glatfelter's invoices from North Sanitary Landfill Company reflect disposal at sites other than the Cardington Road Site for all periods other than October and November 1979. Invoices for these two months do not reflect the location of disposal; the invoices do not specify that the Cardington Road Site was used. In any event, the November invoice records disposal of 351 loads of 12 cubic yards each, or 4212 cubic yards of sludge. The November invoice records disposal of 3000 cubic yards of sludge. Thus, these invoices reflect a maximum disposal of 7212 cubic yards of sludge at the Cardington Road Site, and one cannot conclude from those invoices that all, or even any, of that sludge went to the Cardington Road Site. Accordingly, Mr. McDowell's estimate of 18,000 cubic yards, formed several years after the Cardington Road Site closed, appears to overestimate the amount of material sent to the Cardington Road Site from the West Carrollton Mill. Moreover, Glatfelter's best information indicates that the Cardington Road Site could no longer accept waste as early as December 10, 1979, so Mr. McDowell may also have overestimated the period during which Glatfelter might have used the West Carrollton Site by several months.

#### Response to Request for Information

Glatfelter responds to EPA's specific inquiries as follows:

1. Glatfelter has searched all files within its control and has uncovered no "contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills or any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from" the Cardington Road Site. All "shipping documents" in Glatfelter's possession or control either refer to other disposal sites, as discussed above, or refer to no disposal site.

Glatfelter has uncovered six documents in its files responsive to EPA's request for "business documents relating to the transportation, storage and/or disposal of waste materials or substances at the" Cardington Road Site: (a) an internal Bergstrom (Glatfelter) memorandum from Ken McDaniel to RWW, LKW, and JSH, dated March 16, 1979; (b) two final pages from an internal Bergstrom (Glatfelter) memorandum, dated July 17, 1979, regarding "Ohio Environmental Meeting" (no other portions of this memorandum have been located); (c) an internal Bergstrom (Glatfelter) memorandum from S.B. Reifsnyder to Bill Swanson dated November 16, 1979; (d) an internal Bergstrom (Glatfelter) memorandum from S.B. Reifsnyder to Bill Swanson dated December 10, 1979; (e) a report of the Radian Corporation to the Hartford Steam Boiler Inspection and Insurance Company dated December 15, 1983, of which only portions of pages 5-44 through 5-46 are relevant to this inquiry; and (f) a copy of a table similar to Table 5-1 (page 5-45) of the Radian Corporation report containing handwritten notations. Copies of these documents accompany this response as Exhibit A.

Although not strictly responsive to EPA's request for information, Glatfelter has located a copy of Bergstrom's 1972 agreement with North Sanitary Landfill Company specifying use of the Hilltop disposal area, as well as a number of North Sanitary Landfill Company's invoices for disposal services during this period. Copies of these documents accompany this response as Exhibit B. While Glatfelter provides these documents in the spirit of cooperation and in order to substantiate its assertion that it did not sent substantial waste to the Cardington Road Site, Glatfelter does not intend provision of these documents to imply that Glatfelter has any obligation to produce these documents or any other documents pertinent to disposal at sites other than the Cardington Road Site.

2. The West Carrollton Mill wastewater sludge principally consists of paper fibers, inert clay-like filler materials, small amounts of titanium dioxide, and water. Glatfelter's files reflect six analyses of the sludge. First, a letter dated June 5, 1973, from the Ohio Environmental Protection Agency to the Montgomery County Health Department concludes that "the chemical constituency of the paper mill sludge is such that it would not adversely affect the ground water nor in any way be harmful to the public health." This letter refers to Kimberly-Clark sludge which, of course, was Bergstrom sludge by June 1973.

The first and second annual reports on "An Experimental High Ash Papermill Sludge Landfill," dated 1972 and 1973 respectively, describe an investigation of an experimental landfill constructed using the West Carrollton Mill's sludge by B. G. Danis, Inc. The reports were prepared by Michigan State University under EPA Grants R-EP-00685-01 and R801282. The studies generally conclude that leachate from the sludge is less noxious, and more amenable to renovation in soils, than leachate from municipal waste. Glatfelter has in its possession only portions of these reports.

In a June 7, 1979, report, Howard Laboratories, Inc., of Dayton, Ohio, analyzed a sludge sample received May 9, 1979, from the West Carrollton Mill. Based on this analysis, North Sanitary Landfill Company and Glatfelter were able to conclude that the sludge did not constitute a hazardous waste.

An unidentified analysis of paper mill wastewater sludge from the West Carrollton Mill found in Glatfelter's files reflects the presence of only minute quantities of priority pollutants in the sludge.

Finally, a sheet of handwritten notes describing the composition of the sludge was discovered in Glatfelter's files. C. Neal Carter, Technical and Environmental Control Director for Glatfelter, has recognized the handwriting of the principal document, but not that of the marginal notation, as his own. However, Dr. Carter cannot recall when or why he prepared these notes. Moreover, he has no reason to believe that they describe the West Carrollton Mill's sludge other than the notes' location in proximity to the other materials produced here.

Copies of these materials accompany this response as Exhibit C. The two reports prepared under EPA grants should already be in EPA's possession; Glatfelter has provided copies of those portions of these items in its possession.

The Radian report, accompanying this response in Exhibit A, and Dr. Carter's notes, accompanying this response in Exhibit C, require some clarification with respect to their characterization of the sludge. In 1979--the time at which Glatfelter's sludge was reported to have been disposed at the Cardington Road Site--the sludge from the West Carrollton Mill did not contain polychlorinated biphenyls ("PCBs"). The West Carrollton Mill recycles wastepaper as a source of fiber. Until 1972, some paper converters used PCB containing oils as lubricants in the production of certain papers, particularly

carbonless papers. Although neither Bergstrom nor Glatfelter used PCBs in its process, PCB containing papers did occasionally find their way into the West Carrollton Mill's wastepaper input stream, and therefore the mill's raw wastewater. The use of PCB containing oils by paper converters ceased in 1972. They therefore disappeared rapidly from the West Carrollton Mill's wastepaper input stream. Analyses of sludge from Glatfelter's Neenah, Wisconsin, Mill, which also recycles wastepaper as a primary source of fiber, indicate that PCBs disappeared from paper mill wastewater sludge well before 1979.

3. Glatfelter did not dispose or arrange for the disposal of any hazardous wastes at the Cardington Road Site. Further, Glatfelter cannot determine that it arranged for disposal of any hazardous substances at the Cardington Road Site. Glatfelter has no records of precise dates of shipments to the Cardington Road Site. Glatfelter's first record indicating possible shipment to that site suggests that shipments did not occur prior to March 16, 1979, nor could they have occurred after December 10, 1979, on which date Mr. Reifsnyder informed Mr. Swanson that the Cardington Road Site had closed. Similarly, because Glatfelter does not know for certain that any particular load of sludge was taken to the Cardington Road Site, Glatfelter cannot estimate the volume of sludge taken to that site. However, Mr. McDowell's estimate of 18,000 cubic yards (13,770 cubic meters) appears to overestimate the volume of sludge taken to the Cardington Road Site.

As one can see from Exhibit C, Glatfelter has been unable to locate a chemical analysis of the West Carrollton Mill's sludge in 1979. Glatfelter's experience has been that the sludge principally contains water, paper, clay-like filler materials, and small amounts of titanium dioxide. If hazardous substances appear in the sludge, they appear in only trace amounts. The only contaminants ever found in Glatfelter's fresh sludge amount to less than 100 parts per million by weight, and an even smaller proportion by volume because they have largely been metals. Accordingly, if Glatfelter and its predecessor Bergstrom disposed of hazardous substances at the Cardington Road Site, they disposed of a very small volume of those substances indeed and very low weights of these substances as well, weights below any reportable quantities established for releases under CERCLA even accepting Mr. McDowell's overestimate of 18,000 yards (4500 tons) and the worst analyses of fresh sludge in Exhibit C.

4. During 1979 Glatfelter and its predecessor Bergstrom normally hauled their sludge in their own dump trucks.

Presumably, the same method would have been used for those loads of sludge which were sent to the Cardington Road Site.

5. Glatfelter and its predecessor Bergstrom transported only their own wastes to any site.

6. Materials responsive to this inquiry accompany this response as Exhibit C.

7. A list of insurance policies and a copy of those policies accompanies this response as Exhibit D.

8. Glatfelter cannot determine whether any particular load of its waste was sent to the Cardington Road Site. Further, Glatfelter cannot determine where such waste was placed at that site.

#### Conclusion

By this response, Glatfelter does not admit that it, or its predecessor Bergstrom, generated or transported hazardous substances that were disposed at the Cardington Road Site. Moreover, Glatfelter does not admit that it constitutes a "responsible party" for the Cardington Road Site within the meaning of CERCLA.

Glatfelter intends this document fully to respond to EPA's request for information under CERCLA as contained in Mr. Constantelos' letter. However, if these materials raise any questions, please do not hesitate to contact me.

Sincerely,

  
David G. Mandelbaum

DGM:ct

Enclosures

cc: Mr. Richard W. Wand  
C. Neal Carter, Ph.D.  
Morris Cheston, Jr., Esquire



STATE OF WISCONSIN  
COUNTY OF WINNEBAGO

:  
:  
: SS

CERTIFICATION

I, C. Neal Carter, Ph.D., hereby certify that I am the Technical and Environmental Control Director of P.H. Glatfelter Company, and that I am authorized to certify to the following on its behalf:

1. P.H. Glatfelter Company has made a diligent search of its records and a diligent inquiry of its officers, directors, and employees in order to formulate a response to the United States Environmental Protection Agency's request for information received July 31, 1987, with respect to the Sanitary Landfill Company (IWD) Site, 1855 Cardington Road, Moraine, Montgomery County, Ohio.

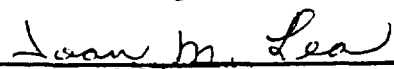
2. I have reviewed the foregoing response to the United States Environmental Protection Agency's request for information, and that response is true and accurate to the best of my knowledge and belief.

3. I have reviewed the documents accompanying the foregoing response to the Environmental Protection Agency's request for information, and the copies accompanying that response are true and authentic to the best of my knowledge and belief, although the documents themselves may contain inaccurate statements.

4. I make this certification pursuant to the penalties of 18 U.S.C. § 1001.

  
C. NEAL CARTER

Sworn to and subscribed before me  
this 26th day of August, 1987.

  
Notary Public

My commission expires:

MY COMMISSION EXPIRES MARCH 12, 1989